

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA


Gregory Vincent Smith,)	C/A No.: 1:14-3161-RBH-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Christopher Phillips, Cpt. T. (Tick))	
Wilson, Peggy E. Spivey, Crystal)	
Hodge, and Jim Matthews,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment on July 6, 2015. [ECF No. 60]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on July 7, 2015, advising him of the importance of the motion for summary judgment and of the need for him to file an adequate response by August 10, 2015. [ECF No. 68]. Plaintiff indicated he had not received Defendants' motion for summary judgment [ECF No. 64], and thereafter, Defendants served the motion and filed a certificate of service on July 29, 2015. [ECF Nos. 65, 66]. The court entered a new *Roseboro* order and provided Plaintiff until September 23, 2015, to respond to the motion for summary judgment. [ECF No. 68]. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' motion may be granted. Plaintiff requested and was granted an extension of time to respond until October 5, 2015. [ECF No. 74].

Notwithstanding the specific warning and instructions set forth in the court's

Roseboro order, Plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendants' motion for summary judgment by October 30, 2015. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

October 16, 2015
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge